THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1311 of 2006

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Dated:27.01.2006

Between:

Pothina Satyavathi W/o Sanyasi Rao D/o Late Peesa Pydithalli
R/o Pillakomatipalem Village, Madhurawada Mandal, Visakhapatnam

District, and others.

..... PETITIONERS

AND

The State of A.P., rep by District Collector, Collector's Office,

Visakhapatnam, and others.

.....RESPONDENTS

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WRIT PETITION No.1311 of 2006

ORDER:

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The nine petitioners claim to be successors in title of late Pydithalli, Chinnayya and Bangarayya, who appear to have acquired the land in Survey Nos.281 and 300/4 admeasuring about Acs.6.50 cents in Madhurawada Village and Mandal, Visakhapatnam District. They also allege that the land was subdivided and they developed a compound wall. It is their further allegation that in the first week of January 2006, the subordinate officials of the third respondent claiming the land to be Government land, tried to interfere with the peaceful possession of the petitioners and demolished a part of the compound wall in Survey No.281. Apprehending

further coercive eviction, the present writ petition is filed, *inter alia,* for a direction to the respondents not to interfere with the petitioners' property.

The learned Counsel for the petitioners submits that the land belongs to Madhurawada Zamindari Estate and the petitioners' predecessors in title obtained a rough patta from the original inamdars. He also invites the attention of this Court that a small extent of land in Survey Nos.281 and 300/4 was sold by the predecessors in title in 1977 under registered sale deed, which would probablise the title and possession of the petitioners. He therefore, submits that without due process of law, the respondents can neither interfere with the possession nor demolish the petitioners' properties.

The learned Assistant Government Pleader does not dispute the legal position. Therefore, instead of keeping the Writ Petition pending, the same is disposed of observing that if the petitioners are in possession of the property, unless and until, the respondents take necessary action in accordance with law, they can neither be dispossessed nor their properties can be demolished without issuing a notice.

The Writ Petition is accordingly, disposed of. No costs.

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(V.V.S.RAO, J)

27.01.2006

Note: Issue C.C by 30.01.2006.

B/o.

vs